

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

VINCENT S. SMITH.

No. C 10-00861 CW (PR)

Petitioner,

## ORDER OF TRANSFER

V.

CALIFORNIA BOARD OF PAROLE  
HEARINGS,

Respondent.

1

Petitioner, a state prisoner, has filed a pro se petition for a writ of habeas corpus in which he challenges the execution of his sentence. He seeks leave to proceed in forma pauperis (IFP).

A petition for a writ of habeas corpus filed by a state prisoner in a State that contains two or more federal judicial districts may be filed in either the district of confinement or the district of conviction. See 28 U.S.C. § 2241(d). The district court where the petition is filed, however, may transfer the petition to the other district in the furtherance of justice. See id. Federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction. See Dannenberg v. Ingle, 831 F. Supp. 767, 767 (N.D. Cal. 1993); Laue v. Nelson, 279 F. Supp. 265, 266 (N.D. Cal. 1968). But if a habeas petition is directed to the manner in which a sentence is being executed, e.g., if it involves parole or time credit claims, the district of confinement is the preferable forum. See Habeas L.R. 2254-3(a); Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989).

1 Petitioner is incarcerated at Chuckawalla Valley State Prison,  
2 which lies within the venue of the Eastern Division of the Central  
3 District of California. See 28 U.S.C. § 84. Because Petitioner  
4 challenges the execution of his sentence, the Court hereby ORDERS  
5 that pursuant to 28 U.S.C. § 1404(a) and Habeas L.R. 2254-3(b), and  
6 in the interests of justice, this petition be TRANSFERRED to the  
7 Eastern Division of the United States District Court for the  
8 Central District of California.

9 All remaining motions are TERMINATED on this Court's docket as  
10 no longer pending in this district.

11 IT IS SO ORDERED.

12 Dated: 3/17/2010



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CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

VINCENT S SMITH,

Plaintiff,

Case Number: CV10-00861 CW

V.

CALIFORNIA BOARD OF PAROLE  
HEARINGS et al,

**Defendant.**

## **CERTIFICATE OF SERVICE**

10 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

11 That on March 17, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said  
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing  
13 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle  
located in the Clerk's office.

Vincent Scot Smith C-99842  
A1-150-L  
Chuckawalla Valley State Prison  
P.O. Box 2349  
Blythe, CA 92226

Dated: March 17, 2010

Richard W. Wieking, Clerk  
By: Sheilah Cahill, Deputy Clerk